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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 THOMAS K. MILLS,

12 Plaintiff,

13 v.

14 ZACHERY JONES, et al.

15 Defendants.
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Case No. 1:23-cv-01214 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANTS' MOTION TO REVOKE
PLAINTIFF'S IN FORMA PAUPERIS
STATUS, AND DIRECTING PAYMENT OF
FILING FEE WITHIN 21 DAYS

(Docs. 72, 80)

17 Thomas Mills is proceeding *in forma pauperis* in this action, in which he seeks to hold the
18 defendants liable for violations of his civil rights during his incarceration at North Kern State
19 Prison. Defendants moved to revoke Plaintiff's *in forma pauperis* status. (Doc. 72.) In response,
20 Plaintiff did not file an opposition but requested an extension of time to pay the Court's filing fee.
21 (Doc. 74.) The Court granted the request and ordered Plaintiff to pay the filing fee in full no later
22 than September 10, 2024. (Doc. 75.)

23 After Plaintiff did not pay the filing fee by the ordered deadline, the magistrate judge
24 proceeded to address Defendants' motion to revoke Plaintiff's *in forma pauperis* status. (Doc.
25 80.) The magistrate judge found Defendants demonstrated Plaintiff incurred three or more strikes
26 under Section 1915(g) prior to the filing of the civil action. (*Id.* at 4-5.) In addition, the
27 magistrate judge found Plaintiff did not make "a plausible allegation that he was in imminent
28 danger of serious physical injury at the time he filed his complaint." (*Id.* at 6.) Because Plaintiff

1 did not satisfy the imminent danger exception to Section 1915(g), the magistrate judge
2 recommended Plaintiff be directed to pay the filing fee of \$402, which was the fee at the time
3 Plaintiff initiated this action. (*Id.* at 7.)

4 The Court served the Findings and Recommendations upon the parties and notified them
5 that any objections must be filed within 14 days of the date of service. (Doc. 80 at 7.) The Court
6 also informed Plaintiff the “failure to file objections within the specified time may result in the
7 waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).)
8 Plaintiff did not file any objections, and the time to do so has expired.

9 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of the case.
10 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
11 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 12 1. The Findings and Recommendations filed on September 27, 2024 (Doc. 80), are
13 **ADOPTED** in full.
- 14 2. Defendants’ motion to revoke Plaintiff’s *in forma pauperis* status (Doc. 72) is
15 **GRANTED**.
- 16 3. Plaintiff **SHALL** pay the \$402.00 filing fee for this action within 21 days from the
17 date of service of this order.
- 18 4. **Failure to pay the required filing fee will result in dismissal of the action.**

19
20 IT IS SO ORDERED.

21 Dated: **October 23, 2024**


UNITED STATES DISTRICT JUDGE